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FORM**

(to be used for all correspondence after initial filing)

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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/797,251 | |
| | Filing Date | March 10, 2004 | |
| | First Named Inventor | Carl R. VanderSchuit | |
| | Art Unit | 2875 | |
| | Examiner Name | Meghan K. Dunwiddie | |
| Total Number of Pages in This Submission | | Attorney Docket Number | 9053-000070/US |

ENCLOSURES (check all that apply)

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| <div>Remarks</div> | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | | | |
|-------------------------|----------------------------------|---------------|--------------------|----------|--------|
| Firm or Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name | Anthony G. Fussner | Reg. No. | 47,582 |
| Signature | | | | | |
| Date | April 18, 2006 | | | | |

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/797,251
Filing Date: March 10, 2004
Applicant: Carl R. VanderSchuit
Group Art Unit: 2875
Examiner: Dunwiddie, Meghan K
Title: LIGHTED BALLOONS
Attorney Docket: 9053-0000070 US

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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Reasons for allowance are only warranted in instances in which "the record of the prosecution as a whole does not make clear [the Examiner's] reasons for allowing a claim or claims." 37 C.F.R. § 1.104(e). In the present case, Applicant believes the record as a whole does make clear the reasons for allowance and therefore no statement by the Examiner is necessary or warranted. Furthermore, Applicant does not necessarily agree with each statement in the reasons for allowance. While Applicant believes the claims are allowable, Applicant does not acquiesce that patentability resides solely in the specific feature or combination of features identified, or that each feature or combination of features identified is required for patentability, or that equivalents of any specifically recited feature is outside the scope of the allowed claims.

Claim 8

The Office Action concludes that Claim 8 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 8 having a projection member within the balloon apparatus and set up to emit and direct light from the light source. Presently allowed Claim 8, however, recites "a projection member configured to direct light from the light source." Therefore, Applicant respectfully submits that Claim 8 is

allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, a tube through which the wiring extends, the tube substantially entirely enclosed in the balloon, and a projection member configured to direct light from the light source.

Claim 12

The Office Action concludes that Claim 12 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 12 having a diffusion member within the balloon apparatus and set up to diffuse light from the light source. Presently allowed Claim 12, however, recites “a diffusion member configured to diffuse light from the light source.” Therefore, Applicant respectfully submits that Claim 12 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, a tube through which the wiring extends, the tube substantially entirely enclosed in the balloon, and a diffusion member configured to diffuse light from the light source.

Claim 14

The Office Action concludes that Claim 14 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 14 having a tube within the balloon apparatus supporting the display member attached to the light source. Presently allowed Claim 14, however, recites “the tube substantially entirely enclosed in the balloon, wherein the tube is configured to support a display member adjacent the light source.” Therefore, Applicant respectfully submits that Claim 14 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, and a tube through which the wiring extends, the tube substantially entirely enclosed in the balloon, wherein the tube is configured to support a display member adjacent the light source.

Claim 20

The Office Action concludes that Claim 20 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 20

having at least one member within the balloon apparatus set up to project and/or diffuse the light emitted from the light source. Presently allowed Claim 20, however, recites “one or more members configured for show within the balloon, wherein the tube supports at least one of the one or more members, wherein the one or more members configured for show comprise at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member.” Therefore, Applicant respectfully submits that Claim 20 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, a tube through which the wiring extends, and one or more members configured for show within the balloon, wherein the tube supports at least one of the one or more members, wherein the one or more members configured for show comprise at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member.

Claim 21

The Office Action concludes that Claim 21 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 21 having the light source being electroluminescent wire and the electroluminescent wire illuminating the members within the balloon apparatus. Presently allowed Claim 21, however, recites “at least one of the light source, the wiring, and the one or more members configured for show comprise electroluminescent wire.” Therefore, Applicant respectfully submits that Claim 21 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening that can be closed for keeping the balloon inflated, a light source inside the balloon, wiring connecting a power source to the light source, a tube through which the wiring extends, and one or more members configured for show within the balloon, wherein the tube supports at least one of the one or more members, wherein at least one of the light source, the wiring, and the one or more members configured for show comprise electroluminescent wire.

Claim 26

The Office Action concludes that Claim 26 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 26 having the light source within the balloon apparatus be a light emitting diode, an optical fiber, and/or electroluminescent wire. In addition to these reasons, Applicant submits that Claim 26 is further allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation neck, a closure member configured to close the neck to keep the balloon inflated, a light source inside the balloon, wiring connecting a power source outside the balloon to the light source, and a device extending through the closed neck and supporting at least a portion of the wiring, the device being moveable by a user to thereby move the light source in the balloon, wherein the light source comprises at least one of a light-emitting diode, an optical fiber, and electroluminescent wire.

Claim 29

The Office Action concludes that Claim 29 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 29 having at least one member within the balloon apparatus set up to project and/or diffuse the light emitted from the light source. Presently allowed Claim 29, however, recites “configured for show inside the balloon, at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member.” Therefore, Applicant respectfully submits that Claim 29 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation neck, a closure member configured to close the neck to keep the balloon inflated, a light source inside the balloon, wiring connecting a power source outside the balloon to the light source, a device extending through the closed neck and supporting at least a portion of the wiring, the device being moveable by a user to thereby move the light source in the balloon, and configured for show inside the balloon, at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member.

Claim 32

The Office Action concludes that Claim 32 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 32 having at least one member within the balloon apparatus set up to project and/or diffuse the light emitted from the light source. Presently allowed Claim 32, however, recites “at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member inserted or insertable in the balloon.” Therefore, Applicant respectfully submits that Claim 32 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A kit for making a balloon apparatus, the kit comprising a light source inserted or insertable within a balloon having an opening through which the balloon is inflatable, a power source connected or connectable to the light source via conductive wiring, a tube through which the wiring is extended or extendable, the tube configured to fit inside the balloon and support the light source when the balloon is inflated and the opening is sealed, and at least one of a projection member, a diffusion member, a flag, an optical fiber, and a display member inserted or insertable in the balloon.

Claim 33

The Office Action concludes that Claim 33 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 33 having a kit for making the balloon apparatus which includes all the necessary pieces to create the balloon. Applicant respectfully submits that Claim 33 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A kit for making a balloon apparatus, the kit comprising:

a light source inserted or insertable into a balloon, the balloon having a neck through which the balloon is inflatable, the neck being sealable to keep the balloon inflated;

a gas-tight tube through which wiring extends or is extendable, the tube having one end inserted or insertable into the balloon and configured to support the light source, the tube further configured to extend outside the balloon when the balloon is inflated and the neck is sealed;

a clip for sealing the neck; and

a sleeve that fits over the tube and is configured to support the clip to prevent deflation of the balloon when the clip is applied to the neck, the sleeve further configured to permit movement of the tube by a user to move the light source within the inflated balloon.

Claim 39

The Office Action concludes that Claim 39 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 39 having the means for sealing the neck of the balloon apparatus include a gasket, a sleeve, and a clip. Applicant respectfully submits that Claim 39 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A method of constructing a balloon apparatus, the method comprising extending wiring through a tube, electrically connecting the wiring between a light source and a power source, inserting the light source and at least one end of the tube into a balloon through a neck through which the balloon is inflatable, inflating the balloon, and sealing the neck, wherein sealing the neck further comprises fitting a gasket over the tube, a sleeve over the gasket, the neck over the sleeve, and a clip over the neck.

Claim 40

The Office Action concludes that Claim 40 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 40 providing the tube within the balloon apparatus the ability to be moved around. Applicant respectfully submits that Claim 40 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A method of constructing a balloon apparatus, the method comprising extending wiring through a tube, electrically connecting the wiring between a light source

and a power source, inserting the light source and at least one end of the tube into a balloon through a neck through which the balloon is inflatable, and configuring the tube to be held at one end and moved to move the light source within the inflated balloon.

Claim 41

The Office Action concludes that Claim 41 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 41 having at least one member within the balloon apparatus set up to project and/or diffuse the light emitted from the light source. Presently allowed Claim 41, however, recites "inserting into the balloon at least one of a diffusion member, a flag, an optical fiber, and a display member." Therefore, Applicant respectfully submits that Claim 41 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A method of constructing a balloon apparatus, the method comprising extending wiring through a tube, electrically connecting the wiring between a light source and a power source, inserting the light source and at least one end of the tube into a balloon through a neck through which the balloon is inflatable, and inserting into the balloon at least one of a diffusion member, a flag, an optical fiber, and a display member.

Claim 42

The Office Action concludes that Claim 42 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 42 having the means for inserting the tube into the balloon apparatus include a stabilizing collar and the neck of the balloon. Applicant respectfully submits that Claim 42 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A method of constructing a balloon apparatus, the method comprising extending wiring through a tube, electrically connecting the wiring between a light source and a power source, inserting the light source and at least one end of the tube into a balloon through a neck through which the balloon is inflatable, wherein inserting at least one end of the tube into a balloon comprises:
inserting the tube through a stabilizing collar; and
inserting the collar through the neck.

Claim 45

The Office Action concludes that Claim 45 is allowable because the art when taken separately or combined fails to teach and/or show a balloon apparatus as set forth in Claim 45 having a casing formed within the balloon apparatus in which the electroluminescent wire is placed. Presently allowed Claim 45 recites "the balloon comprises a seam and a casing formed at the seam, the light source comprising electroluminescent wire inside the casing." Therefore,

Applicant respectfully submits that Claim 45 is allowable because the art as a whole, alone or in combination, does not anticipate or render obvious:

A balloon apparatus comprising a balloon having an inflation opening, and an electroluminescent light source applied to an outside portion of the balloon, wherein the balloon comprises a seam and a casing formed at the seam, the light source comprising electroluminescent wire inside the casing.

Respectfully submitted,

By: 

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